IN THE

Supreme Court of the United States.

OCTOBER TERM, 1901.

No. 164.

DANIEL H. TALBOT, PLAINTIFF IN ERROR,

vs.

FIRST NATIONAL BANK OF SIOUX CITY, IOWA.

MOTION TO DISMISS OR AFFIRM.

Comes now the defendant herein, by Asa F. Call, its attorney, appearing in that behalf, and moves the court to dismiss the writ of error in the above entitled cause for want of jurisdiction, because the judgment to which the writ of error is taken is the judgment of the Supreme Court of one of the United States, to-wit, the Supreme Court of the State of Iowa, and in the rendition of said judgment, and in the proceedings had prior thereto, there was not drawn in question or involved any title, right, privilege or immunity under any statute of the United States.

And the said defendant, by counsel as aforesaid, also

moves the court to affirm the said judgment to which the said writ of error has been allowed and taken, because although the record in said cause may show that it has jurisdiction in the premises, yet it is manifest that the said writ of error has been taken for delay only, and that the question on which the jurisdiction of this court depends is so frivolous as not to need argument.

Asa F Call

Atty. for Defendant in Error.

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NOTICE OF SUBMISSION OF MOTION TO DISMISS OR AFFIRM.

To DANIEL H. TALBOT, *Plaintiff in Error*:—

Please take notice that on Monday, the 14th day of October, 1901, at the opening of court, or as soon thereafter as counsel can be heard, a motion to dismiss or affirm, of which the foregoing is a copy, will be submitted to the Supreme Court of the United States, for the decision of the said court thereon.

Enclosed herewith is a copy of the Brief and Argument

to be submitted with said Motion in support thereof.

Sioux City, Iowa, July 29th, 1901.

Asa F Call

Attorney for Defendant in Error.

STATE OF IOWA, }
County of Woodbury, } ss.

Asa F. Call, being first duly sworn, deposes and says, that on the 29th day of July, A.D., 1901, he deposited in the mail, in the postoffice at Sioux City, Iowa, a Motion to Dismiss or Affirm, of which the foregoing is a true copy, together with a copy of his brief and argument on behalf of the defendant, duly post paid and addressed to Mr. Daniel H. Talbot, Sioux City, Iowa, which is the proper address of said plaintiff in error, and further he saith not.

Asa F Call

Subscribed in my presence and sworn to before me this 29th day of July, A. D., 1901.

Merle Peavey

Notary Public Woodbury County, Iowa.